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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,375	09/25/2001	Tsunayuki Owa	214182US6	5959

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,375

Applicant(s)

OWA, TSUNAYUKI

Examiner

Joseph A. Fischetti

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) 9-24 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) 1-8,25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of the restriction in the reply filed on 8/17/04 is acknowledged. The traversal is on the ground(s) that there is no serious burden to the examiner. This is not found persuasive because the Examiner understands best what is burdensome and this being a business method chase in which plural search resources must be used to accomplish a valid examination, any additional inventions would constitute a burden on him.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5 the use of the term "or" renders the claim unclear in that only one embodiment in one claim can further define the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8, 25 rejected under 35 U.S.C. 103(a) as being unpatentable over De Groot in view of Leahy et al.

De Groot discloses community service offering apparatus (10) for exchanging information with a plurality of user terminals connected by a network, the apparatus comprising virtual space information storing means for storing advance information about a plurality of virtual spaces (see col. 3 space modules read as the storage means); host means col. 5 lines 29-32 is read as the virtual space offering means for allowing a user to select any one of said virtual spaces and for offering the selected virtual space as a user-specific virtual space owned by said user regarded as a privileged user. De Groot however is silent regarding a charge controlling means for charging said privileged user who owns said user-specific virtual space a fee corresponding to a type of said user-specific virtual space. However, Leahy et al. discloses a display Fig. 1 and controlling means (world object 66) for charging said privileged user who owns said user-specific virtual space a fee corresponding to a type of said user-specific virtual space see col.15, lines 4-15 e.g. for billing purposes the world object 66 collects statistics of which rooms are most popular e.g. usage. It would be an obvious modification to DeGroot to include the charging control means of Leahy et al. because this would enable revenue from usage of the virtual space.

Re claims 2,3,4, 25: official notice is taken to the old and notorious practice of charging only those customers who use a product as well as the practice of prorating

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the cost of renting space such as in the case of renting a charter fishing boat where the excursion fee a person pays is based upon the base cost divided by the number of people who are in the party .

Re claims 7,8: col. 3 lines 36-41 discloses a space slave module which creates objects in the space answering managing objects. Since the slave module can only be operated by a person who owns the server, this answers the limitation of only a privileged users managing the objects.

Re claim 6: Leahy et al. discloses in col. 5 lines 62-63, using a user ID to gain acces to a virtual room and hence is an access managing means for managing access to said user-specific virtual space.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

A handwritten signature in black ink, appearing to read 'JAF', is located to the right of the contact information.